IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

CHAMBER SUMMONS NO. 1066 OF 2004

IN

SUIT NO. 420 OF 2004

Shri Kuldeep K. Nayar. .. Plaintiff.

vs.

Ravinder K. Nayar

& Anr. .. Defendants.

Mr. D.H. Mehta with S.P. Kanuga for plaintiff.

Mr. V.A. Shah i/by M/s. Pandya & Poonawala for Defendant no.1.

CORAM : S.U.KAMDAR, J.

DATE : 13th April, 2005.

P.C.

1. The present chamber summons is taken out for revocation of leave granted by this Court under clause 12 of the Letters Patent by an order dated 3.2.2004. The present suit is filed for partition of various immovable properties as mentioned in Exhibit A to the plaint by mets and bounds and various to her consequential reliefs. It is an

admitted position that out of five immovable properties three of the properties are situated in Mumbai whereas out of the other two properties one is situated at Amritsar and another property is situated at New Delhi. The learned counsel appearing for the defendant states that leave should be revoked because one of the property is situated at New Delhi and that the value of the said property is much larger than all the remaining properties together and, therefore, the major part of the cause of action and/or major of the value of the property is situated outside the jurisdiction of this Court and therefore, leave under clause 12 ought not to have been granted. The aforesaid contention is totally misconceived. The suit is for partition of various immovable properties thus suit is for land. It is now well settled that if some of the properties are situated at Mumbai and some of the properties are situated outside Bombay, then on leave being obtained under clause 12 of the Letters Patent this Court within whose local limits some of the properties are situate shall have jurisdiction and try the suit for partition in respect of all immovable properties whether situate within its jurisdiction or outside. In view thereof, the chamber summons dismissed. No order as to costs.